

Remarks by Tim Barron
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Committee on Commerce, Science and Technology

Good afternoon, Senators, I am here today to speak on behalf of victims, who, because of various physical or mental infirmities, are unable to speak for themselves: the infirm elderly victims of financial exploitation.

My name is Timothy Barron and I'm a Deputy Attorney General for the State of Delaware, where I've been prosecuting criminal cases for the past 22 years. I've tried over 150 felony cases including 20 cases of first degree murder.

Of all the cases I've prosecuted, there are two types which most disturb me: Sexual Exploitation of Children and Financial Exploitation of the Elderly.

When I was Chief of the Rape Unit in the early 90's, I found striking similarities among the children who had been sexually abused. They were reluctant to speak against their abusers because typically their abusers were in positions of trust. Secondly, the abuse had occurred over a long period of time. Finally, by the time the abuser was brought to trial, the child may have forgotten important details or perhaps simply could not or would not testify. It was those kinds of problems which made the prosecution of such cases very difficult.

So difficult and stressful in fact, that a heart attack convinced both my doctor and me that it was time to start trying easier types of cases.

I was offered the assignment of sole prosecutor for the new Delaware Elder Abuse and Exploitation Project. An easy job, I thought. How hard could such cases be, what with irrefutable documentary evidence and a paper trail leading directly to the exploiter?

After prosecuting such cases for awhile, it dawned on me that my elderly victims of financial abuse shared the same similarities as my child victims of sexual abuse.

In a very generic sense, financial exploitation means the illegal or improper use of an

infirm senior's resources by another person for profit or other advantage.

The financial exploiter, like the child sex offender, is often a family member or acquaintance of the victim, and has embarked on a gradual process of cultivating the victim's trust. Once that trust has been gained, the crime becomes a series of crimes over a lengthy period of time: credit card purchases, MAC withdrawals, check writing, CD cash-ins and more.

Intervention occurs, therefore, usually months - perhaps even years - after the exploitive process has been set in motion - and, regrettably, often after the victim's life savings have been exhausted.

I commend the Senate for recognizing that we face a big problem with financial exploitation of the elderly. The biggest problem lies not in the prosecution of such crimes but rather in the fact that they are so often hard to uncover.

In fact, the great majority of elderly victims of financial exploitation may not even realize they are being exploited. When finally impressed with the cold, hard facts the victim will not normally want to admit to having been taken advantage of, especially by someone in whom the victim has put her trust.

In fact, often the knowledge that one has been exploited brings about a sense of worthlessness. One of my victims, when she was finally made to realize that a trusted yardman had cheated her out of \$30,000, told me, "I can't believe I'm that stupid. I might as well be shot because if I'm that dumb life just isn't worth living."

If the exploiter is a family member, the victim may not want to see a loved one prosecuted like a common criminal. The victim may also be dependent upon the offender and may fear the loss of her caretaker. The status quo is sometimes looked upon by the victim as a better alternative to being declared incompetent or being placed in a nursing home. These are the difficult problems faced by those who are involved with trying to protect this vulnerable segment of society.

I am indeed honored to have been invited to appear before you today and hope that my experience may be of some small assistance as you grapple with this problem - a problem which

most definitely will get worse in the new millennium with the aging of 81 million baby boomers.

It seems to me the best way to combat the crime of financial exploitation of the elderly is to increase public awareness that the problem exists and to try to promote a sense of community. A forum such as this one is an important step in that direction. All segments of the community, from sons and daughters, to neighbors, to bankers and retailers should be recruited to be alert to the tell-tale signs of financial exploitation.

Perhaps the familiar public service TV ad, "It's 10 o'clock, pm. Do you know where your children are?" should be supplemented with one like "It's Saturday afternoon. Do you know if someone's trying to con your elderly mother out of her savings?"

Because, yes, simple communication and contact with our elderly neighbors and parents on a regular basis can reduce exploitation.

After all, who is the typical victim of financial exploitation? An elderly female who lives alone by herself. She often has physical or mental infirmities in varying degrees. She is isolated and lonely and is therefore vulnerable and willing to put her trust in others.

Insofar as legislation is concerned, states should be encouraged to follow Delaware's lead and increase the penalties against those who financially exploit the elderly. Innovative initiatives like the creation of a new hearsay exception for elderly victims can also prove to be of benefit in the prosecution of financial exploiters.

In sum we should continue the struggle to protect one of our greatest natural treasures, our senior citizens, from the scourge of financial exploitation. To do anything less will be to tarnish the character of this great nation.